

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION, INC. and )  
E. JEFFREY PEIERLS, individually )  
and as trustee, )  
Plaintiffs, )  
v. ) Civil Action No. 03 CV 12213 EFH  
JAMES E. RURKA, MARK SKALETSKY, )  
PAUL J. MELLETT, )  
RICHARD ALDRICH, )  
KATE BINGHAM, )  
CHARLES W. NEWHALL III )  
DAVID SCHNELL, and )  
JOHN P. WALKER, )  
Defendants. )

**NOTICE OF APPEARANCE**

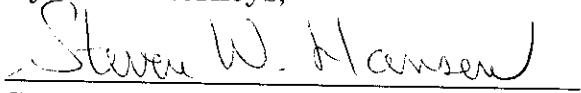
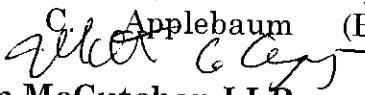
Steven W. Hansen and Matthew C. Applebaum of Bingham McCutchen LLP hereby notice their appearance as counsel for Defendants James Rurka, Mark Skaletsky, Paul J. Mellett, Richard Aldrich, Kate Bingham, Charles W. Newhall III, David Schnell and John P. Walker in this matter.

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Respectfully submitted,

**JAMES RURKA,  
MARK SKALETSKY, PAUL J.  
MELLETT, RICHARD ALDRICH,  
KATE BINGHAM, CHARLES W.  
NEWHALL III, DAVID SCHNELL,  
AND JOHN P. WALKER,**

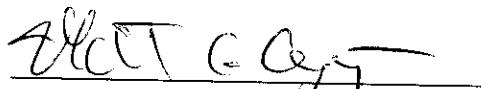
By their attorneys,

  
Steven W. Hansen (BBO# 220820)  
Matthew C. Applebaum (BBO#  
653606)   
**Bingham McCutchen LLP**  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000

Dated: February 17, 2004.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served upon counsel for Plaintiffs, David E. Marder, Robins, Kaplan, Miller & Ciresi, L.L.P., 111 Huntington Ave., Boston MA 02199, by hand on February 17, 2004.

  
Matthew C. Applebaum